

Charlotte Transitional Grant Area Ryan White Planning Body Bylaws

Article I: Name and Establishment

Section 1. The name shall be the Charlotte Transitional Grant Area Ryan White Planning Body, hereafter referred to as "Planning Body."

Section 2. The Planning Body shall conduct its activities in accordance with the provisions, interpretations, and recommendations of the Health Resources and Services Administration (HRSA) and with all applicable local, state, and federal laws and regulations.

Section 3. The Planning Body shall be established by the Mecklenburg County Board of County Commissioners Chair, acting as the Chief Elected Official (CEO) of the Charlotte Transitional Grant Area (TGA) or the CEO's designee, currently the Director of Mecklenburg County Health Department. The CEO shall be the Recipient of awards made available through the Public Health Service Act, Title XXVI and amendments, hereafter referred to as the "Ryan White HIV/AIDS Program" or "RWHAP."

Section 4. The CEO or CEO's designee shall monitor, identify support for, and be apprised of the activities of the Planning Body through the elected Co-Chairs of the Planning Body and the Planning Body Administrator.

Section 5. Mecklenburg County Health Department's Ryan White Program shall act as the administrative agent of the Planning Body in administering RWHAP funds in accordance with Planning Body priorities and allocations and shall be accountable to the Planning Body in rapidly allocating funds to the areas of greatest need.

Article II: Purpose

Section 1. The Planning Body shall develop and implement needs assessment activities to document the core medical and support service needs of people living with HIV in the TGA.

Section 2. The Planning Body shall establish priorities, allocate RWHAP Part A funds, and provide guidance on how best to carry out service delivery, based on:

- a. documented need;
- b. cost and outcome effectiveness of proposed strategies and interventions;
- c. input from the HIV-positive and at-risk communities; and
- d. availability of other governmental and non-governmental resources.

Section 3. The Planning Body shall assess the efficiency of the administrative mechanism of the Recipient in rapidly allocating RWHAP Part A funds to the areas of greatest need within the TGA consistent with established priorities, allocations, and instructions.

Section 4. The Planning Body shall assess the effectiveness of services supported by RWHAP Part A funds in meeting the identified needs through methods as determined by the Planning Body.

Section 5. The Planning Body shall develop and adopt an integrated comprehensive plan for the organization and delivery of RWHAP Part A that is compatible with other local, regional, and State plans.

Section 6. The Planning Body shall participate in the development of the Statewide Coordinated Statements of Need (SCSN) for North Carolina and South Carolina in their respective administrations of RWHAP Part B.

Section 7. The Planning Body shall establish methods of obtaining input on community needs and priorities from the HIV-positive and at-risk communities that may include public meetings, focus groups, *ad hoc* panels, and surveys, among other methods.

Article III: Membership

Section 1. The Planning Body shall consist of no more than thirty (30) and no fewer than twenty (20) members and shall reflect in its composition the demographics of the HIV epidemic in the TGA with consideration given to disproportionately affected and historically underserved subpopulations. The Planning Body shall strive to ensure parity, inclusion, and representation.

Section 2. The Planning Body membership shall be consistent with the RWHAP Part A and accompanying regulations and guidance including, but not limited to, at least one representative from each of the following legislatively mandated categories:

- a. Healthcare providers including Federally Qualified Health Centers (FQHCs)
- b. Community-based organizations (CBOs)/AIDS service organizations (ASOs)
- c. Social service providers (including homelessness service providers)
- d. Mental health providers
- e. Substance use providers
- f. Local public health agencies
- g. Members of a federally recognized Indian tribe as represented in the population (if a significant percentage of this population is living with HIV in the TGA)
- h. Individuals co-infected with hepatitis B or C
- i. Hospital planning agencies or healthcare planning agencies
- j. Affected communities, including people with HIV and historically underserved subpopulations
- k. Non-elected community leaders
- l. State Medicaid agencies
- m. State Part B agencies
- n. Part C
- o. Part D
- p. Other federal HIV programs (including HIV prevention service providers)
- q. Representatives of formerly incarcerated federal, state, or local prisoners who were released during the preceding three (3) years

Section 3. It shall be the goal of the Planning Body that a minimum of fifty percent (50%) of the voting members are PLWH and that, among members with HIV, at least thirty-three percent (33%) are unaligned, meaning they have no consulting, employment, or fiduciary relationship with the Recipient or any subrecipient agency that receives Part A funds.

Section 4. The CEO or CEO's designee shall have responsibility for final appointment of all members to the Planning Body following a written open Membership process that includes:

- a. Publicized criteria for membership;
- b. Review of applications and subsequent recommendations of candidates by the Membership Workgroup and/or by the full Planning Body;
- c. Conflict of interest standards; and
- d. A mechanism for filling vacancies.

Section 5. Any member may resign from membership by written or other form of notice to the Ryan White Planning Body Administrator.

Section 6. Termination of Membership.

- a. A Planning Body member will be removed for being absent without being excused from three consecutive, regularly scheduled meetings or five total absences from such meetings within a calendar year. Exception may be given to individuals in violation of this policy who address their situation to the Membership Workgroup and/or Planning Body Administrator in writing.
- b. If the CEO or CEO's designee determines that a member has failed to perform their responsibilities as described in these bylaws (i.e., attending meetings, workgroup participation) or has engaged in conduct which has interfered with or would interfere with the work or reputation of the Planning Body or Mecklenburg County or otherwise adversely affect its interests, then, the CEO or CEO's designee may, by written notice to the member, terminate membership for cause.
- c. The Planning Body may recommend to the CEO or CEO's designee that any member be removed from membership for cause, requiring a two-thirds (2/3) vote of the members at any regularly scheduled meeting of the Planning Body with no fewer than seven (7) days' prior notice.

Section 7. Members are appointed for terms of two years. Members may serve up to three consecutive two-year terms, with a one-year break before reapplying.

Section 8. A Member will be excused from a regularly scheduled Planning Body meeting if:

- a. The member contacts the Ryan White Planning Body Administrator before the meeting or contacts the Membership Workgroup within three (3) business days following the Planning Body meeting if they have a health-related reason for not being able to attend. Exceptions to the above are to be determined at the discretion of the Membership Workgroup; members must address the Membership Workgroup in writing for an exception to be considered.
- b. Leaves of absence should be submitted in writing to the Ryan White Planning Body Administrator regardless of reason. Leave of absence would not exceed 90 days with only one leave of absence per one term (term=2 years). Any absence over 90 days would remove the individual from the Planning Body, to which they could reapply.

Article IV: Officers

Section 1. The Planning Body shall be chaired by two Co-Chairs. At least one Co-Chair shall be an unaligned consumer, and the other Co-Chair shall represent the HIV service system. No Co-Chair shall be an employee of Mecklenburg County, but may be an employee of an agency that is a Part A subrecipient.

Reviewed by PB Executive Workgroup: February 2019

Approved by Planning Body: May 2019

- a. The Co-Chair positions will be elected biannually by members and shall serve staggered terms of two years.
- b. The Co-Chairs will facilitate regular and special meetings of the Planning Body.
- c. Co-Chairs will serve as spokespersons for the Planning Body, with prior Body approval, set meeting agendas in collaboration with support staff and with input from Body members, and lead Executive Workgroup meetings.

Section 2: The Planning Body will also elect Chairs of standing and *ad hoc* workgroups. No Chair shall be an employee of Mecklenburg County, but may be an employee of an agency that is a Part A subrecipient.

- a. Workgroup Chair positions will be elected biannually by members and shall serve a term of two years.
- b. The Workgroup Chairs will facilitate regular and special meetings of their respective workgroups, creating agendas and keeping accurate minutes for public distribution.
- c. The Workgroup Chairs will provide the Planning Body Administrator with electronic and/or paper copies of all meeting materials, meeting attendance records, and any feedback given by a Workgroup member.

Article V: Meetings

Section 1. The quorum of the Planning Body shall be half (1/2) plus one of the membership of which at least thirty-three percent (33%) shall be unaligned consumers. A quorum must be present to conduct any regular or special meetings of the Planning Body. Absentee and proxy votes shall not be considered.

Section 2. The rules of parliamentary procedure as set forth in Robert's Rules of Order, shall govern all meetings of the Planning Body, its Workgroups, and any additional working groups. The Planning Body shall strive for consensus in its deliberations.

Section 3. All voting members shall have one vote.

Section 4. The Planning Body shall meet regularly at least six times annually and meetings shall be open to the public. Special meetings may be called by agreement of the Co-Chairs or by written endorsement of one-third (1/3) of the membership of the Planning Body with notice provided to the Ryan White Planning Body Administrator. Notice of special meetings shall be made at least seven days in advance of the meeting, along with the meeting agenda, to the maximum extent possible.

Section 5. The Planning Body acknowledges that public participation provides necessary input on matters of concern to the community and contributes to effective community planning. To this end, the Planning Body shall establish a designated period at the beginning of regular Planning Body meetings to allow the public to address the Planning Body with issues related to the Body's legislative mandate as stated in the Public Health Service Act, Title XXVI. Additional time for Public Comment may also be allowed after deliberations on any Action Item prior to a vote on the item, as called for by the Co-Chair(s).

Up to fifteen minutes shall be reserved for members of the public to speak. No speaker shall be allowed more than two minutes, and depending on the number of speakers, the amount of time allocated to each

speaker may be less than two minutes. The Co-Chairs have the discretion to extend this period of Public Comment, or to suggest items be considered under another agenda item if the item requires further consideration by the Planning Body members. The Co-Chair(s) may also permit Public Comment, at their discretion, at any other time during the meeting.

When the Co-Chair(s) use(s) their discretion in the matter of Public Comment, they shall clearly articulate their reasons for doing so. For example, if the Co-Chair would like to limit an individual's time to speak or to increase the amount of time allowed for Public Comment, then they must explain to those in attendance why such an action is being taken.

A member of the public must be acknowledged by the Co-Chairs to address the Planning Body. During this period of Public Comment, the public may address the Planning Body with comments and/or questions. However, the Co-Chair(s) and Planning Body members are not obligated to address the concerns or questions raised at that time. The Co-Chair(s) may direct the person making the public comment to address the matter with the appropriate party later, i.e. the Ryan White Planning Body Administrator, a Workgroup Co-Chair, etc.

At any meeting of the Planning Body, the Co-Chair(s) may give speaking priority to members of the Planning Body during the discussion and deliberation of all Action and Discussion Items before the Planning Body, considering the members of the public are afforded the opportunity to address the Planning Body during the Public Comment period(s) at that meeting.

Article VI: Code of Conduct

Section 1. All persons attending Planning Body meetings will be treated with respect, recognizing that each person brings unique and valuable experiences, views, and expertise to the Planning Body. All persons attending meetings of the Planning Body or one of its Workgroups are entitled to participation as discussed in the Bylaws. However, if any person, regardless of Planning Body membership, is called out of order by the Planning Body or Workgroup Co-Chair(s) during a meeting, the following actions shall be taken to restore order to the meeting:

- a. First incident: The disruptive person(s) is called out of order by the Co-Chair(s).
- b. Second incident: The disruptive person(s) is put on notice that they are out of order.
- c. Third incident: The Co-Chair(s) shall call a five-minute recess of the meeting.
- d. Fourth incident: The Co-Chair(s) shall ask the disruptive person to leave the meeting.

Article VII: Workgroups

Section 1. The standing Workgroups of the Planning Body shall be the Executive Workgroup, the Membership Workgroup, and the Needs Assessment Workgroup. These workgroups are responsible for the following:

- a. The Executive Workgroup is comprised of the Co-Chairs of the Planning Body and the (Co-)Chairs of each of the workgroups of the Planning Body. It shall oversee and coordinate:
 - Planning Body operations and support, including sharing of information between the Planning Body, the Recipient, and other entities as appropriate,

- The annual assessment of the efficiency of the administrative mechanism,
 - Directives given to the Recipient from the Planning Body,
 - All grievances brought to the Planning Body, in conjunction with the Recipient's office.
- b. The Membership Workgroup is comprised of Planning Body members. It shall:
- Develop strategies for recruiting new members,
 - Review membership applications, conduct interviews, and recommend candidates for membership on the Planning Body,
 - Support new member orientation sessions and other trainings, and other activities as assigned by the Planning Body, and
 - Work with members at-risk for removal for non-attendance to determine the reason for their non-attendance, develop a plan to improve the member's attendance, and if necessary, recommending removal of the member to the Executive Workgroup.
- c. The Needs Assessment Workgroup is comprised of Planning Body members. It shall work closely with the Recipient's office to:
- Identify service needs in the TGA by conducting needs assessments in collaboration with the Planning Body, Ryan White staff, and participating subrecipients,
 - Plan and oversee the process of priority setting and resource allocation of Part A funds,
 - Develop and monitor progress on the comprehensive plan,
 - Develop and review annually Service Standards for each funded service category.

Section 2. The quorum of each workgroup shall be half (1/2) plus one of the membership of which at least thirty-three percent (33%) shall be unaligned consumers. A quorum must be present to conduct any regular or special meetings of the workgroup. Absentee and proxy votes shall not be considered.

Section 3. The rules of parliamentary procedure as set forth in Robert's Rules of Order shall govern all meetings of the workgroups. The workgroup shall strive for consensus in its deliberations.

Section 4. Each workgroup shall establish appropriate meeting schedules.

Section 5. A workgroup member will be removed from Planning Body membership for being absent without being excused prior to the meeting from three consecutive, regularly scheduled workgroup meetings or five total absences from such meetings within a calendar year. Exception may be given to individuals in violation of this policy who address their situation to the Membership Workgroup in person.

Section 6. Each workgroup shall elect a Chair or two Co-Chairs as appropriate.

Section 7. *Ad hoc* Workgroups may be established by the Planning Body to address specific issues and shall operate under the rules established for workgroups.

Article VIII: Management and Operations

Section 1. The Planning Body shall be supported by the Ryan White Planning Body Administrator, who shall provide day-to-day management of activities of the Planning Body and its workgroups, administer the Planning Body support budget, and support the Planning Body, its workgroups, and its members with training, planning, and other administrative supports, and to ensure compliance with local, state, and federal laws and regulations.

Section 2. Neither the Ryan White Planning Body Administrator, nor any staff of the Recipient's office, shall have voting authority on the Planning Body or its workgroups.

Article IX: Record Keeping

Section 1. Minutes of each Planning Body meeting shall be documented by the Planning Body Administrator and approved by a vote of the full Planning Body. The minutes shall be public record and shall be made available within 14 days of approval. Minutes may not disclose information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personal matters.

Section 2. The records, reports, transcripts, minutes, agenda, and other supporting documents made available for or prepared by the Planning Body shall be available for public inspection and copying at the Ryan White Program office.

Section 3. The records, reports, transcripts, minutes, agenda, and other supporting documents shall be kept on file for seven (7) years following the grant year.

Section 4. The Planning Body shall ensure that all record keeping is in accordance with local, state, and federal guidelines.

Article X: Grievance Procedures

Section 1. It shall be the policy of the Planning Body to attempt to resolve grievances through informal dispute resolution.

Section 2. Grievances may be filed with the Planning Body only for either of the following:

- a. Deviations from an established, written priority-setting or resource allocation process; or
- b. Deviations from an established, written process for any subsequent changes to priorities or allocations.

Section 3. Only individuals or entities directly affected by the outcome of a decision related to funding as defined above are eligible to bring a grievance including providers eligible to receive Part A funds, consumer groups, and other affected entities and individuals.

Section 4. The Ryan White Planning Body Administrator shall make available upon request a full description of the Planning Body's grievance procedures, including procedures for submitting grievances.

Article XI: Conflict of Interest

Section 1. The Planning Body shall have no role in determining the specific agencies or organizations with whom the Recipient, its fiscal agents, or other designees may contract for the delivery of services utilizing RWHAP Part.

Section 2. The rules contained in this section apply to all members, members of workgroups, working groups, task forces, staff, contractors, and consultants to the Planning Body, and all of whom shall be referred to as Planning Body for the purposes of this section.

- a. No Planning Body member shall use their relationship with the Planning Body for private gain.
- b. Whenever any matter arises with respect to which a Planning Body member either has a conflict of interest or has any question about the existence of a conflict, they shall verbally make a full disclosure of such conflict or possible conflict to the members in attendance before discussion.
- c. Persons who have conflicts of interest as defined herein may participate in the discussion in question but shall not vote on that matter.
- d. For the purposes of this paragraph, conflict of interest shall be defined as a direct financial or fiduciary interest, which shall include, without limitation, ownership, employment, contractual, creditor, or consultative relationship to, or Board membership in, an entity or individual, or in a substantial affiliate of such an entity including any such interest that existed at any time for 12 months preceding the vote, with respect to which a vote is to be taken. This shall not preclude such member from voting on matters affecting multiple entities or individuals including the one in which they have an interest. Such a member shall not, however, vote on a matter affecting only the entity or individual in which they have an interest.

Section 3. A member's receipt of RWHAP Part A funded services is not to be construed, in and of itself, as a conflict of interest.

Article XII: Amendments

Section 1. These Bylaws may be amended by the Planning Body at any regular meeting by a two-thirds (2/3) vote of those voting members present.

Section 2. Amendments to these Bylaws shall be made only after members have been given thirty (30) days written notice of proposed amendments.

Bylaws Ratification

These Bylaws ratified by a two-thirds (2/3) majority vote of the quorum of the Charlotte Transitional Grant Area Ryan White Planning Body on May 15, 2019.

X

Chelsea Gulden
Planning Body Co-Chair

X

Christopher Jones
Planning Body Co-Chair

X

Kayla Earley
Planning Body Administrator

X

Luis Cruz
Sr. Health Program Manager, Ryan White

X

Gibbie Harris
Mecklenburg County Public Health Director

Appendix I: Grievance Form
Charlotte Transitional Grant Area Ryan White Planning Body

Please select the type of grievance below:

- ☐ Deviations from an established, written priority-setting or resource allocation process
- ☐ Deviations from an established, written process for any subsequent changes to priorities or allocations

Name _____

Relationship to Ryan White Planning Body _____

Phone/Email _____

Please complete the following questions and attach documents that support your statements.

1. What decision, action or policy has had an adverse impact on you?

2. On what basis is the action wrong or unfair?

3. What do you recommend should be done to resolve this issue?

Signature _____ Date _____

Please return your completed form to the Ryan White Planning Body Administrator:

ATTN: Ryan White Planning Body Administrator

Ryan White Program

3205 Freedom Dr.

Suite 9000

Charlotte, NC 28208